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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,865	08/05/2003	Herbert Lehman Williams		5625

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EXAMINER

KERSHTEYN, IGOR

ART UNIT PAPER NUMBER

3745

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/633,865

Applicant(s)

WILLIAMS, HERBERT LEHMAN

Examiner

Igor Kershteyn

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22, 24 and 25 is/are rejected.
- 7) ☒ Claim(s) 23 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

Claims 6, 18, 23 and 24 are objected to because of the following informalities:

In claim 6:

In line 1, "(housing)" should be --housing--,

In line 2, "(blade)" should be --blade--.

Claim 18 recites the limitation "the clearance" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 18 recites the limitation "the stator" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 23 recites the limitation "the rotor" in line 4. There is insufficient antecedent basis for this limitation in the claim.

In claim 23:

In line 2, "one" should be --a first--,

In line 4, "one" should be --a second--,

In line 6, "one" should be --a third--.

Claim 24 recites the limitation "the stator" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9, 11-15, 17, 19-22, 24, and 25 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Claim 1 recites the limitation "only moving part is its rotor blade" which is indefinite because as it appears in figures 1 and 2 the moving parts are the outer rim 2, the plurality of blades 3, the inner rim 4, and the plurality of magnets 6,8, and 9.

Claim 2 recites "produces electricity without the use of a central shaft or generator" which is indefinite because as it appears in figure 2 the plurality of magnets 6 and windings 5 constitute a generator.

Claim 3 recites "produces electricity without being mechanically attached to a generator" which is indefinite because as it appears in figure 2 the plurality of magnets 6 and windings 5 constitute a generator and mechanically attached to the rotor and stator, respectively.

Claim 7 recites "A hydroelectric turbine whose blade is not mechanically connected to it." which is indefinite for failing to define what structural components constitute the hydroelectric turbine and it is unclear either the blade is not mechanically connected to its outer and inner rings, which is in contrary to what is shown in figures 1 and 2, or it is not connected to the housing.

Claim 8 recites "A method of claim 2" which is indefinite because claim 2 is not a method claim but rather is an apparatus claim.

Claim 11 recites "A method of claim 3" which is indefinite because claim 3 is not a method claim but rather is an apparatus claim.

Claim 17 is rejected as being indefinite because it recites "A method" but does not recite any of the steps of the method.

Claim 22 recites "A method of claim 6" which is indefinite because claim 6 is not a method claim but rather is an apparatus claim.

Claim 24 is rejected as being indefinite because it recites "A method" but does not recite any of the steps of the method.

Claim 25 is rejected as being indefinite because it recites "A method" but does not recite any of the steps of the method.

Claims 4-6, 9, 12-15, 19-21 are indefinite by virtue of their dependency on the above corresponding claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 10, 18, and 1-9, 11-17, 19-22, 24, and 25, as far as they are definite are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson et al. (4,720,640).

In figures 1-25, Anderson et al. teach a hydroelectric turbine 9 whose only moving part is its rotor blade 34.

Claims 10, and 1-7, 12-14, 16, 17, 19-22, 24, and 25, as far as they are definite are rejected under 35 U.S.C. 102(b) as being anticipated by Stengel et al. (3,867,655).

In figures 1-6, Stengel et al. teach a hydroelectric turbine whose only moving part is its rotor 30.

Claims 10, 20 and 1-9, 12-14, 16-18, 21-22, 24, and 25, as far as they are definite are rejected under 35 U.S.C. 102(e) as being anticipated by Wobben (6,806,586).

In figures 6, 8A, and 9A, Wobben teaches a hydroelectric turbine 10 whose only moving part is its rotor 14, 14a, 14b.

Allowable Subject Matter

Claim 23 would be allowable if rewritten or amended to overcome the objections set forth in this Office action.

Prior Art

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consist of six patents.

Toyama (4,272,685) is cited to show a shaftless hydroelectric turbine whose only moving part is a rotor.

Nair (4,367,413) is cited to show a hydroelectric turbine having a generator stator incorporated in a housing and a generator rotor incorporated in a turbine wheel.

Glass (4,586,871) is cited to show a shaftless hydroelectric turbine having a generator stator incorporated in a housing and a generator rotor incorporated in a turbine wheel.

Jochum (4,648,788) is cited to show a shaftless hydroelectric turbine whose only moving part is a rotor.

Lopatinsky (6,194,798) is cited to show a shaftless hydroelectric turbine having a generator stator incorporated in a housing and a generator rotor incorporated in a turbine wheel.

Baarman et al. (6,798,080) is cited to show a hydroelectric turbine having a generator stator incorporated in a housing and a generator rotor incorporated in a turbine wheel having a non-magnetic water lubricated bearing material.

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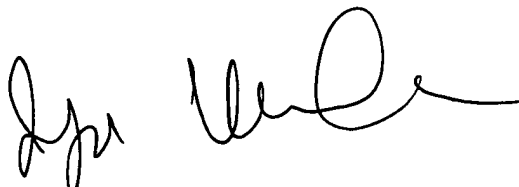
Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kershteyn whose telephone number is (703) 308 8317. The examiner can be reached on Monday-Friday from 8:00 a.m. to 4:30 p.m.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached on (703) 308 1044. The fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308 0861.

IK
November 2, 2004



Igor Kershteyn
Patent examiner.
Art Unit 3745



F. DANIEL LOPEZ
PRIMARY EXAMINER